

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

AARON GRUBBS,)	
)	
Plaintiff,)	
)	
v.)	Case Number 2:05-cv-604-WKW
)	
THE CITY OF EUFAULA, ALABAMA,)	
)	
Defendant.)	

MOTION TO AWARD ATTORNEY'S FEES AND EXPENSES

Pursuant to Rule 54(d) of the Federal Rules of Civil Procedure, defendant the City of Eufaula, Alabama, moves for an award of attorney's fees and litigation expenses arising from the Court's judgment of August 29, 2006. (Doc. 33.)

The City requests an award of \$12,310.95 for attorney's fees and litigation expenses. (See Pike aff. at 1, ¶ 1.) An itemization of the time and expenses for which the City requests compensation is attached as Exhibit 1. (See Pike aff. at 1, ¶ 5.)

This amount is based upon defense counsel's actual hourly fee with the City's insurer. (See Pike aff. at 1, ¶ 4.) Defense counsel's hourly rate was \$145.00 in 2005. (See Pike aff. at 1, ¶ 4.) It became \$155.00 in 2006. (See Pike aff. at 1, ¶ 4.)

All attorney's fees and litigation expenses are reasonable and were necessarily incurred to defend this action. (See Pike aff. at 1, ¶ 5.)

WHEREFORE, the City of Eufaula moves for an award of attorney's fees and litigation expenses in the amount of \$12,310.95.

/s/ James H. Pike

James H. Pike (PIK003)
Attorney for Defendant
The City of Eufaula, Alabama

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, James H. Pike, certify that on August 30, 2006, I electronically served a copy of the foregoing document on:

Malcolm R. Newman
P.O. Box 6137
Dothan, AL 36302-6137

/s/ James H. Pike

James H. Pike